IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.266 OF 2006
WITH
CIVIL APPLICATION NO.1018 OF 1999

Sarpanch, Grampanchayat, Asudgaon. ..Appellant.

V/s.

Smt.Chamelidevi R. Gupta & Anr. ..Respondent.

Mr.C.G.Gavnekar for appellant.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 18, 2006.

P.C. :

1. Heard.

2. The order which is impugned in this Appeal was passed by the lower court as back as on 16th April, 1998. By this order the trial court allowed the application preferred by the respondent plaintiff Exh.5 and granted interim relief to continue till final disposal of the suit. That order has operated against the appellant for all this time. At this distance of time, in my opinion, it will be inappropriate to dwell upon the contentious issues raised in this appeal. Instead leaving all issues to be decided on its own merits in the suit, this appeal is disposed of with direction to the Trial Court to

finally dispose of the suit as expeditiously as possible, preferably by end of September, 2006, as the suit pertains to year 1997.

3. Counsel for the appellant points out decision of the Apex Court in the case of **N.D.M.C. V/s. Satish Chand** reported in **AIR 2003 S.C.3187**, which according to him has taken the view that the suit as is filed in the fact situation of the present case is not maintainable.

4. As mentioned earlier, the trial court will examine all the issues on its own merits in accordance with the law while considering final hearing of the suit.

5. In view of this order, civil application disposed of accordingly.